

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

FILED
FEBRUARY 1, 2008
MICHAEL W. DOBBINS
CLERK, U.S. DISTRICT COURT

DEXTER JOHNSON and VANCE ESTES

Plaintiffs,

vs.

The **City of Harvey** and unknown Harvey Police
Officers,

Defendants.

Case No.

COMPLAINT FOR VIOLATION
OF CIVIL RIGHTS

JURY DEMANDED

08 C 713

JUDGE ZAGEL
MAGISTRATE JUDGE KEYS

JURISDICTION AND VENUE

1. This action arises under the United States Constitution and the Civil Rights Act of 1871 [42 U.S.C. Section 1983]. This court has jurisdiction under and by virtue of 28 U.S.C. Sections 1343 and 1331.

2. Venue is founded in this judicial court upon 28 U.S.C. Section 1391 as the acts complained of arose in this district.

PARTIES

3. At all times herein mentioned, plaintiff DEXTER JOHNSON ("JOHNSON") was and is a citizen of the United States, and was within the jurisdiction of this court.

4. At all times herein mentioned, plaintiff VANCE ESTES ("ESTES") was and is a citizen of the United States, and was within the jurisdiction of this court.

5. At all times herein mentioned defendant Unknown Harvey Police Officers ("unknown officers") were employed by the Harvey Police Department and were acting under color of state law and as the employees, agents, or representatives of the Harvey Police

Department. These Defendant are being sued in their individual capacities. Upon learning their identities plaintiffs will file an amended complaint to allege their names.

6. At all times herein mentioned, the City of Harvey was a political division of the State of Illinois, existing as such under the laws of the State of Illinois. At all relevant times, the City of Harvey maintained, managed, and/or operated the Harvey Police Department.

FACTUAL ALLEGATIONS

7. On or about April 1, 2007, Johnson and Estes were in the City of Harvey, County of Cook, State of Illinois.

8. At that time and place Johnson and Estes were informed by unknown officers that they were not free to leave the Harvey Police Department.

9. There was not probable cause to seize Johnson and Estes.

10. There was no legal cause to seize Johnson and Estes.

11. There was no warrant authorizing a seizure of Johnson and Estes.

12. Johnson and Estes did not consent to being seized.

13. By reason of the above-described acts and omissions of defendant, Plaintiffs sustained injuries, including but not limited to, humiliation and indignities, and suffered great mental and emotional pain and suffering all to their damage in an amount to be ascertained.

14. The aforementioned acts of Unknown Officers were willful, wanton, malicious, oppressive and done with reckless indifference to and/or callous disregard for Plaintiffs' rights and justify the awarding of exemplary and punitive damages in an amount to be ascertained according to proof at the time of trial.

15. By reason of the above-described acts and omissions of unknown officers, Plaintiffs were required to retain an attorney to institute, prosecute and render legal assistance to them in the within action so that they might vindicate the loss and impairment of thier rights. By reason thereof, plaintiff requests payment by Defendants of a reasonable sum for attorney's fees pursuant to 42 U.S.C. Section 1988, the Equal Access to Justice Act or any other provision set by law.

COUNT I
Plaintiffs Johnson and Estes Against Defendant Unknown Officers for
UNREASONABLE SEIZURE

16. Plaintiffs hereby incorporate and reallege Paragraphs one (1) through fifteen (15) hereat as though fully set forth at this place.

17. By reason of the Defendants' conduct Plaintiffs were deprived of rights, privileges and immunities secured to them by the Fourth and/or Fourteenth Amendments to the Constitution of the United States and laws enacted there under.

18. The arbitrary intrusion by Defendants, into the security and privacy of Plaintiffs' persons was in violation of Plaintiffs' Constitutional Rights and not authorized by law. The Defendants violated the Plaintiffs' rights in the following manner: seizing plaintiffs inside the Harvey Police Department was without any legal cause. The foregoing was unnecessary, unreasonable and excessive, and was therefore in violation of Plaintiff's rights. Therefore, the Defendant is liable to Plaintiff pursuant to 42 U.S.C. § 1983.

COUNT II
Plaintiffs Johnson and Estes against Defendants Unknown Officers and the CITY OF
HARVEY For The State Supplemental Claim Of FALSE IMPRISONMENT

19. Plaintiffs hereby incorporates and re-alleges paragraphs one (1) through fifteen (15) hereat as though fully alleged at this place.

20. Unknown officers and the City of Harvey committed the tort of False Imprisonment when they refused to let Johnson and Estes leave the Harvey Police Department without any legal cause for this refusal.

21. The City of Harvey is liable to plaintiffs for the acts of Unknown Officers pursuant to the doctrine of *respondeat superior*.

22. As a result of these acts and/or omissions plaintiffs were damaged, and the defendants Unknown Officers and the City of Harvey are liable under the state supplemental claim of False Imprisonment.

WHEREFORE, the Plaintiffs, by and through his attorneys, ED FOX & ASSOCIATES, requests judgment as follows against the Defendants, and each of them:

1. That the Defendants be required to pay Plaintiff's general damages, including emotional distress, in a sum to be ascertained;
2. That the Defendants be required to pay Plaintiff's special damages;
3. That the Defendants be required to pay Plaintiff's attorneys fees pursuant to Section 1988 of Title 42 of the United States Code, the Equal Access to Justice Act or any other applicable provision;
4. That Defendant Unknown Officers be required to pay punitive and exemplary damages in a sum to be ascertained;
5. That the Defendants be required to pay Plaintiff's costs of the suit herein incurred; and
6. That Plaintiff have such other and further relief as this Court may deem just and proper.

BY: /s/Garrett Browne
Garrett Browne

PLAINTIFF HEREBY REQUESTS A TRIAL BY JURY

BY: /s/Garrett Browne
Garrett Browne

ED FOX & ASSOCIATES
Attorneys for Plaintiff
300 West Adams
Suite 330
Chicago, Illinois 60606
(312) 345-8877